In the Supreme Court of the United States.

OCTOBER TERM, 1910.

THE UNITED STATES, PETITIONER,
v.
LEOPOLD BARUCH.
No. 408.

MOTION TO ADVANCE.

In behalf of the United States, the Attorney General moves the court to advance the above-entitled cause and to set it for hearing on a day during the present term.

This case presents the question whether articles commercially known as "featherstitch braids" are subject to duty at the rate of 60 per cent ad valorem, under the provision in paragraph 339 of the tariff act of 1897, for "braids," as classified and assessed for duty by the collector of customs and held by the Board of General Appraisers and by the Circuit Court, or at 45 per cent ad valorem, under the provision for "bindings" in paragraph 320 of said act, as claimed in the importer's protest and held by the Circuit Court of Appeals.

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The reasons for this motion are as follows:

1. Much litigation is directly dependent upon the outcome of this case. On June 26, 1909, 3,351 protests were held in the suspended files of the Board of General Appraisers, awaiting a determination of this issue. They have been added to by protests against the similar classification of subsequent importations. Protests in like issues have also accumulated, and there are about 125 appeals on similar or related merchandise pending in court. Nothing will be done in these cases until the final action of this court in the case at bar

2. This case involves a fundamental principle of customs law—the application of the rule of commercial designation, and to what extent, if any, an enumeration according to commercial usage prevails over an enumeration according to common meaning. A large proportion of the cases that come before the Board of General Appraisers, and, on appeal, before the Court of Customs Appeals, involve questions of commercial designation, and of these many require application of the principle involved in this case.

Notice of this motion has been served upon counsel for the respondent.

GEORGE W. WICKERSHAM,
Attorney General.

DECEMBER, 1910.

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